

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

SHLETTA BOONE

§

v.

§

Case No. 4:11cv648
(Judge Schneider/Judge Mazzant)

TEXAS DEPARTMENT OF AGING
AND DISABILITY SERVICES

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MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On January 30, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Texas Department of Aging and Disability Services's Motion to Dismiss Under Rules 12(b)(1) and 12(b)(6) (Dkt. #6) be granted in part.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendant Texas Department of Aging and Disability Services's Motion to Dismiss Under Rules 12(b)(1) and 12(b)(6) (Dkt. #6) is GRANTED in part and Plaintiff's claims under the FLSA and for punitive damages are DISMISSED

It is SO ORDERED.

SIGNED this 24th day of February, 2012.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE